

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION TWO

NO. 44567-1-II

PUGET SOUND HARVESTERS ASSOCIATION,

Appellant,

v.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE,

Respondent,

and,

PURSE SEINE VESSEL OWNERS ASS'N,

Respondent-Intervenor.

REPLY BRIEF OF APPELLANT
PUGET SOUND HARVESTERS ASSOCIATION

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I. INTRODUCTION

As stated in appellant Puget Sound Harvesters Association's Opening Brief, there are two basic questions before this Court. First, do the Washington Department of Fish and Wildlife's ("Department") 2012 Puget Sound Commercial Salmon Regulations ("2012 Regulations") allocate the resource, Puget Sound chum salmon, fairly and equitably between the two competing commercial fishing groups in South Puget Sound? The Department readily concedes that the answer is "no." Indeed, the Department steadfastly maintains that it is under no obligation to treat the two competing fisheries fairly and that it has complete discretion to discriminate and fashion the fishery as it sees fit so long as it maintains the collective economic well-being of the industry as a whole. In the Department's view, it is enough that the value of chum salmon are increasing and thus net income per license is increasing – even if it knows fully that the income per license for the purse seine fleet is increasing significantly faster than the income for the gillnetters.

This Court has at least twice confirmed that the Department is not free to simply allocate at will – that it must instead fairly allocate and seek balance. The Department's refusal to heed this Court's declarations unfortunately brings PSHA back seeking once again for this Court to

instruct the Department that it needs to treat both competing fishing groups fairly.

The second question this case poses is whether the Department has provided a fair and rational basis, based on the attending facts or circumstances, for the disparate treatment of the two competing commercial fishing groups? While the Department vigorously defends its disparate treatment, it fails once again to provide a rational basis for its decision. Instead, the Department attempts to manipulate a variety of historical and confusing data in a post-hoc effort to find some calculus that supports its efforts since 2006 to allocate only 25 percent of the available non-treaty South Puget Sound chum fishery to the gillnetters. The Department's analysis is both unexplained and irrational.

And in support of its rejection of PSHA's request for a minor increase in opportunity for 2012, the Department invokes both opposition from the purse seine fleet and the fear of possible "bycatch" of endangered non-target species, while ignoring entirely that any anticipated increase of bycatch by the gillnetters still is far exceeded by ongoing bycatch by the purse seine fleet. Neither the Department's economic manipulations nor fears of bycatch support its willful and unreasoning decision to limit the gillnetters to 25 percent of the available harvest.

PSHA maintains that the 2012 Regulations are once again arbitrary and capricious on their face for failing to either equitably allocate the resource or explain the rational basis for doing otherwise.

II. ARGUMENT IN REPLY

A. The Department Must Fairly Allocate the Resource

Contrary to the Department's repeated insistence, PSHA does not claim an "equal share" of the chum salmon harvest in South Puget Sound. *See, e.g.*, WDFW Brief at 1, 2, 9, 12. PSHA seeks only to be treated equitably and fairly and to be provided the opportunity for gillnetters to catch a "fair share" of the fish. While the Department vehemently disputes that it has any obligation to treat gillnetters fairly, WDFW Brief at 15-16, this Court has confirmed its obligation to do just that – "allow both gear groups the opportunity to catch their 'fair share' of the fish." *Puget Sound Harvesters Ass'n v. Washington State Dep't of Fish & Wildlife*, 157 Wn. App. 935, 950, 239 P.3d 1140 (2010).

The Department's duty to balance competing interests was more recently confirmed by this Court in *Puget Sound Crab Ass'n v. State*, ___ Wn. App. ___, 300 P.3d 448, 452 (2011). There, as here, the Department had long followed a policy for crab harvest that resulted in an allocation of two-thirds of the crab harvest for commercial harvesters and one-third for

recreational harvesters. After the Department shifted the allocation to something closer to even, the commercial harvesters challenged the revised allocation. *Id.* This Court upheld the revised allocation “[b]ecause the Department must balance its duty to both sectors... .” *Id.* While this Court was careful to confirm that the Department’s duty to balance interests was not a limitation on its ability to allocate the State’s share of the resource, because the record showed that there has been a growth in recreational harvesters, the shift in allocation was appropriate. *Id.*

As this Court recognized in *Puget Sound Harvesters*, a fair allocation does not mean that the allocation must be, or even should be, precisely a 50-50 split. Instead, the allocation must be based on WDFW’s management objectives, its mandate to “[m]aintain the economic well-being and stability of the fishing industry” and the attending facts and circumstances. 157 Wn. App. at 950-51 *quoting* RCW 77.04.012. But as discussed in Appellant’s Opening Brief and below, the Department continued to ignore the facts and circumstances. Rather than even attempt a “fair” allocation, the Department once again willfully and unreasonably focused its 2012 rule-making effort for the South Puget Sound commercial

chum salmon harvest on manipulating the data to continue to justify a 75-25 allocation in favor of the purse seine fleet.

B. The 2012 Regulations for South Puget Sound are Arbitrary and Capricious

1. The 2012 Regulations do not maintain the economic well-being and stability of the industry

WDFW's management objectives include "maintain[ing] the economic well-being and stability of the fishing industry (RCW 77.04.012); [and] allow[ing] a sustainable level of harvest sufficient to provide opportunity for each gear type." AR 3663.

As the Department explains in its Brief at 19-21, it now claims to have determined that a 25 percent predicted harvest for the gillnetters in 2012 was appropriate based on a comparison between historic catch rates and the number of licenses. This approach fails for at least two reasons. First, the Department still offers no justification for why one might expect an identical correlation between the reduction in gillnet *fleet size* and increase in purse seine *catch share*. Given known differences in gear efficiency,¹ WDFW's "expectation" of a symbiotic relationship between fleet size and catch share should be supported by *some* basis. WDFW

¹ In 2011, 195 licensed gillnetters caught 88,405 chum, while 75 purse seine licensed vessels caught 342,723. AR 3687. Thus, the gillnetters with nearly three (3) times the number of licenses, caught less than one-quarter of the fish raked in by the purse seine fleet.

offers none. *See* AR 3672. Instead, WDFW has simply seized upon a post-hoc calculation that conveniently matches what it has already decided – to maintain the gillnetter’s proportion of the harvest at 24 percent.

An objective look at the catch data over the past several years demonstrates that WDFW has repeatedly promulgated rules that collectively amount to a cycle of reduction of catch share, whereby each year a decrease in the total harvest allocation for gillnets is justified by an arbitrary rationale, such as a “historic adjusted percentage” of gillnet catch. The gillnetters caught 28 percent of the catch in 2009, 24 percent of the catch in 2010, and 21 percent of the catch in 2011. As the economics of fishing becomes increasingly difficult for gillnet license-holders, WDFW can seek to continue justifying a reduced catch share for the fleet based on “changes in fleet composition.”

Second, the Department’s comparison is simply not rational, but is instead a manipulation of data in an attempt to explain why it is maintaining the same low harvest percentage for gillnetters that the Department has maintained since 2006. For example, when determining the historic harvest rate, the Department uses the entire time span from 1973-2002 to arrive at a combined South Sound and Hood Canal average

harvest level of 32%. WDFW Brief at 20, *citing* AR 3687.² The Department then compares highest historic license numbers for the two gear groups (1974 for gillnetters³ and 1978 for purse seiners) with the current number of licenses in 2011 and asserts that, because statistically the ratio between licenses has shifted toward the purse seine fleet by six percent, a reduction in harvest allocation of approximately 6 percent was appropriate. WDFW Brief at 21 *citing* AR 2973.

But since the Department is comparing the number of fishing licenses between 1974 and 1978 with the number in 2011, it would be more rational to compare the harvest levels during these same time periods. Between 1974 and 1978, the point in time when both gear groups maintained their highest number of licenses, gillnetters harvested an average of 58.6 percent of the chum salmon in the South Sound and 49.8 percent of the chum salmon in the combined South Sound and Hood Canal. AR 2973, 3687.

Therefore, using the Department's methodology, and assuming the ratio of purse seine licenses to gillnet licenses annually participating in the

² The average harvest rate for gillnetters during this same 1973-2002 time period in the South Sound was 40%. AR 2973.

³ 1974 was an anomaly year. The number of gillnet licenses spiked due to concern over the pending release of the *Boldt* decision in U.S. v. Washington. Once the decision was issued, salmon fishing in the South Sound and Hood Canal was severely restricted during 1974 and 1975 with only 15,353 chum harvested in 1974 and 6,934 in 1975. AR 3687.

Puget Sound salmon fishery has shifted six percent toward the purse seiners, then applying a similar reduction to the equivalent harvest levels would result in a reduction from 58.6 percent for the South Sound to 52.6 percent or from 49.8 percent for the combined South Sound and Hood Canal to 43.8 percent. Unlike the Department's approach which, without explanation, compares 29 years of harvest with a single year of license data, this approach provides a rational comparison and results in a far more equitable and sustainable allocation of the resource.

The Department's attempt to further rationalize its allocation based on historic and expected income per license also fails. While it explains that the gillnet fleet's expected income of \$3,300 per license exceeds its CPI-adjusted average value of \$1,050 per license for the period from 1973-2002, it then fails entirely to compare the gillnetter's three-fold increase with the purse seine fleet's almost five-fold increase over this same time period (from \$5,672 per license in 1973-2002 to \$26,820 per license in 2012). AR 3674. Put another way, under the WDFW's ongoing effort to ratchet down the gillnetters' opportunity to harvest, WDFW has promoted a dramatic increase in the value of a purse seine license over a gillnet license. WDFW's attempt to justify its allocation based on economic well-being and stability is arbitrary and capricious.

2. The 2012 Regulations are based on an arbitrary analysis of non-target salmon bycatch

As discussed in PSHA's Opening Brief at 9-10, during the course of discussions leading to the 2012 Regulations, gillnetters requested several relatively small alterations to the proposed schedule, the most significant being requests to extend one of its "half-night market openings" in South Puget Sound to a full night and to allow more "first start" openings in the South Sound. AR 3675.⁴ This request would have resulted in a minor increase in the gillnetters' harvest percentage. The Department declined this request in part because it was opposed by the purse seiners, and in part because of a concern over impact to non-target salmonid and non-salmonid bycatch. AR 3675.

PSHA maintains that the Department's concern over bycatch is overstated and, once again, is simply a convenient excuse for the Department to maintain the gillnetters' low allocation of the Puget Sound chum fishery. PSHA explained in its Opening Brief both why the Department's concern was based on an arbitrary assignment of relative bycatch rates for the two gear types, and how the Department failed to

⁴ In general, gillnetters fish during nighttime hours, between approximately 5:00 p.m. and 9:00 a.m. Mid-week half-night market nights began in approximately 2008 with the intent of allowing gillnet license holders to get fish supply to local farmers' markets before the weekend. Half-night market nights typically allow fishing between 4:00 p.m. and midnight. AR 3673.

address the relative impact on non-target salmonids between the two gear groups. Appellant's Brief at 16-23. PSHA stands by and re-incorporates its arguments in reply – in particular that the Department has vastly understated the mortality rate for endangered salmon caught as bycatch by purse seines.

But even assuming, *arguendo*, that the Department is correct in using a mortality rate for purse seiners of 45 percent for immature fish and 33 percent for mature fish, WDFW Brief at 29, and a mortality rate of 100 percent for gillnetters, the Department's concern that an increase in opportunity for the gillnetters will significantly harm non-target fish is overstated. The Department's overstatement becomes clear with an examination of the 2011 observation data. While the Department now claims, without support, that its 2011 observer data may not be scientific, it is indeed first-hand, eyewitness data collected by the Department's own observers. AR 3607-3614 (Summary Report); AR 3001-3346 (Data).

The 2011 observation data confirms that during 2011 the purse seine fleet caught 378 endangered non-target Chinook salmon and 1594 non-target coho salmon in the South Sound (Areas 10 and 11) between August and November. AR 3612 (attached). Even assuming the low estimated mortality rate, this calculates to the take of 124 endangered

Chinook salmon and 526 coho. In comparison, the gillnetters caught only seven Chinook salmon and 15 coho salmon in the South Sound and Hood Canal (Areas 10, 11 and 12) during 2011. AR 3613 (attached). While the Department may be correct, that the gillnetters caught more Chinook per set or per 1000 chum, when compared to the overall bycatch of the purse seiners, the gillnetters' bycatch remains only a fraction of that caught by the purse seiners.

Based on the Department's own observation data, even if the gillnetters were provided the opportunity to double their share of the chum harvest, their bycatch of Chinook and coho salmon in South Puget Sound and Hood Canal would remain only a fraction of the mortality caused by purse seiners.

While the Department argues that it is unfair for PSHA to include the Chinook and coho bycatch by the seiners during the August "pink" fishery in the South Sound, because the gillnetters were not involved in that fishery, this argument misses the point of the analysis. PSHA's point is simple – the purse seiners catch significantly more non-target endangered species than the gillnetters. The Department cannot rationalize refusing to allow even a minor expansion of opportunity for the gillnetters based on a concern that it might result in a minor increase in

Chinook or coho mortality, when it ignores that the Chinook and coho mortality already caused by the purse seiners is significantly higher.

3. The 2012 Regulations are based on an arbitrary analysis of other non-target bycatch

The Department also attempts to rationalize the disparate allocation based on concern over other non-target species, including spiny dogfish and marbled murrelets. WDFW Brief at 39-41; AR 3664. Once again, however, the data does not support WDFW's concern, much less its decision to maintain an historic low allocation for the gillnetters.

For example, once again WDFW asserts that observation data showed gillnets catching 107 spiny dogfish (a species of shark) per 1000 chum. WDFW Brief at 41. WDFW fails, however, to point out that while onboard monitoring data did observe *two* incidences where gillnet boats caught a large number of spiny dogfish, in both instances WDFW observers reported that *all* were released uninjured. *See* AR 3060, 3067.

With respect to marbled murrelets and other birds, contrary to WDFW's statement, the USFWS's biological opinion contains *no* data indicating that a single marbled murrelet has been harmed by non-tribal commercial gillnet fisheries in Areas 10 and 11.⁵ Indeed, the

⁵ Nor does there appear to be any other data in the record showing significant risk to murrelets from the gillnet fishery in Puget Sound, much less Areas 10 and 11.

Department's own observers reported that *no* marbled murrelets were observed during the 2011 commercial fishing season, much less entangled or dead marbled murrelets. AR 3611. The Department only "estimated" that 4.5 birds might have been killed through all citizen (tribal, recreational and commercial) fishing in Puget Sound. Because there is no data demonstrating harm, there is certainly no data demonstrating that a minor increase in opportunity for gillnetters to harvest chum will result in a significant increased risk to marbled murrelets or other bird species.

III. CONCLUSION

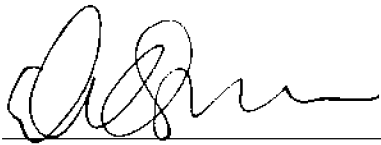
For the foregoing reasons, this Court should declare that WDFW's 2012 Regulations are arbitrary and capricious. The Court should order WDFW to allocate the harvestable chum salmon equitably between the two competing commercial gear groups or provide a rational basis for failing to do so.

One study indicated that a murrelet was caught in a gillnet in 1993 off Lopez Island and four murrelets were caught by purse seiners, but there is no data indicating any of the murrelets were harmed by either gear type. AR 261-62. A WDFW report from 1996 included data indicating that 305 murrelets were *observed* around Hood Canal in Area 12/12B, but none were entangled. AR 407. WDFW also conceded that the estimate did not represent individual birds since the same animals could have been counted on different days. *Id.*

Dated this 24th day of July, 2013.

Respectfully submitted,

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\\PSHA\\Pleadings\\COA 44567-1-II\\20130724 Reply Brief of Appellant

APPENDICES

Given out at 3/12 mfg
by KA

WDEW
South Sound chum fishery

03/09/12 Draft

Year	Combined Gears Total		Combined Gears Ex-vessel Value		GN Licenses	Gill Net Vessels with Landings	GN Catch	GN Proportion of catch	GN Ex-vessel Value	GN Ex-vessel Value CPI Adjusted	GN Ex-vessel Value CPI Adjusted Per Vessel	Purse Seine Vessels with Landings	PS Catch	PS Proportion of Catch	PS Ex-Vessel Value	PS Ex-Vessel Value CPI Adjusted	PS Ex-vessel Value CPI Adjusted Per Vessel	
	CPI	Catch	Ex-vessel Value	CPI adjusted														
1973	4.92	93,264	\$734,961	\$3,616,011	1,303	536	59,793	0.64	\$472,419	\$2,324,303	\$4,336	320	67	33,471	0.36	\$262,542	\$1,291,707	\$19,279
1974	4.43	15,353	\$78,322	\$346,965	1,990	156	2,023	0.13	\$10,399	\$46,069	\$295	137	26	13,330	0.87	\$67,923	\$300,897	\$11,573
1975	4.06	2,133	\$19,617	\$79,644	1,659	137	1,635	0.77	\$14,731	\$59,808	\$437	385	39	498	0.23	\$4,886	\$19,836	\$509
1976	3.84	101,301	\$999,612	\$3,838,509	1,536	454	65,385	0.65	\$644,114	\$2,473,399	\$5,448	376	121	35,916	0.35	\$355,497	\$1,365,110	\$11,282
1977	3.6	77,482	\$758,199	\$2,729,515	1,517	559	55,352	0.71	\$565,271	\$2,034,976	\$3,640	393	156	22,130	0.29	\$192,927	\$694,539	\$4,452
1978	3.35	85,047	\$1,017,227	\$3,407,711	1,532	591	57,073	0.67	\$724,734	\$2,427,859	\$4,108	402	161	27,974	0.33	\$292,493	\$979,852	\$6,086
1979	3.01	227	\$1,335	\$4,018	1,501	55	74	0.33	\$533	\$1,603	\$29	402	39	153	0.67	\$802	\$2,415	\$62
1980	2.65	116,008	\$626,295	\$1,659,682	1,487	528	60,746	0.52	\$391,548	\$1,037,602	\$1,965	398	201	55,262	0.48	\$234,747	\$622,080	\$3,095
1981	2.4	69,430	\$590,444	\$1,417,066	1,450	460	35,443	0.51	\$327,294	\$785,504	\$1,708	396	181	33,987	0.49	\$263,151	\$631,562	\$3,489
1982	2.26	118,667	\$691,492	\$1,562,772	1,420	448	54,366	0.46	\$327,414	\$739,956	\$1,652	390	187	64,301	0.54	\$364,078	\$822,816	\$4,400
1983	2.19	65,003	\$515,379	\$1,128,680	1,374	456	36,853	0.57	\$300,353	\$657,773	\$1,442	383	168	28,150	0.43	\$215,026	\$470,907	\$2,803
1984	2.1	105,915	\$845,973	\$1,776,543	1,259	555	51,558	0.49	\$414,217	\$869,856	\$1,567	367	219	54,357	0.51	\$431,755	\$906,687	\$4,140
1985	2.03	71,040	\$426,104	\$864,991	1,196	379	36,125	0.51	\$226,487	\$459,768	\$1,213	349	157	34,915	0.49	\$199,617	\$405,223	\$2,581
1986	1.99	63,369	\$309,195	\$615,297	1,200	405	31,610	0.50	\$147,588	\$293,701	\$725	345	184	31,759	0.50	\$161,606	\$321,596	\$1,748
1987	1.92	101,245	\$1,708,308	\$3,279,951	1,148	472	49,415	0.49	\$1,041,508	\$1,999,695	\$4,237	341	191	51,830	0.51	\$666,800	\$1,280,256	\$6,703
1988	1.85	231,796	\$1,948,577	\$3,604,867	1,142	794	109,919	0.47	\$902,119	\$1,668,921	\$2,102	342	304	121,877	0.53	\$1,046,457	\$1,935,946	\$6,368
1989	1.76	124,652	\$1,031,706	\$1,815,802	1,152	574	59,767	0.48	\$496,500	\$873,840	\$1,522	341	233	64,885	0.52	\$535,206	\$941,962	\$4,043
1990	1.67	146,304	\$1,272,391	\$2,124,893	1,148	518	56,851	0.39	\$501,300	\$837,170	\$1,616	337	252	89,453	0.61	\$771,092	\$1,287,723	\$5,110
1991	1.6	148,022	\$820,574	\$1,312,919	1,132	423	65,164	0.44	\$364,248	\$582,797	\$1,378	330	186	82,858	0.56	\$456,326	\$730,122	\$3,925
1992	1.56	288,687	\$1,539,164	\$2,401,096	1,118	456	117,357	0.41	\$616,526	\$961,780	\$2,109	327	191	171,330	0.59	\$922,639	\$1,439,316	\$7,536
1993	1.51	174,948	\$1,030,833	\$1,556,558	1,083	380	75,418	0.43	\$451,714	\$682,087	\$1,795	318	156	99,530	0.57	\$579,119	\$874,470	\$5,606
1994	1.47	147,810	\$456,342	\$670,822	1,042	196	45,813	0.31	\$134,692	\$197,997	\$1,010	306	130	101,997	0.69	\$321,650	\$472,826	\$3,637
1995	1.43	101,104	\$278,378	\$398,080	966	147	23,703	0.23	\$67,536	\$96,577	\$657	297	111	77,401	0.77	\$210,841	\$301,503	\$2,716
1996	1.39	183,962	\$307,656	\$427,642	887	129	29,809	0.16	\$46,782	\$65,027	\$504	292	75	154,153	0.84	\$260,874	\$362,615	\$4,835
1997	1.36	12,561	\$48,040	\$65,335	872	71	3,270	0.26	\$11,644	\$15,835	\$223	290	50	9,291	0.74	\$36,397	\$49,500	\$990
1998	1.34	194,968	\$281,369	\$377,035	820	75	29,361	0.15	\$44,699	\$59,896	\$799	276	63	165,607	0.85	\$236,670	\$317,138	\$5,034
1999	1.31	54,617	\$198,926	\$260,593	682	53	8,726	0.16	\$29,999	\$39,298	\$741	262	63	45,891	0.84	\$168,927	\$221,295	\$3,513
2000	1.27	100,048	\$506,796	\$643,631	679	73	12,841	0.13	\$62,098	\$78,865	\$1,080	262	87	87,207	0.87	\$444,697	\$564,766	\$6,492
2001	1.23	446,253	\$992,381	\$1,220,628	359	42	32,950	0.07	\$67,547	\$83,083	\$1,978	122	69	413,303	0.93	\$924,834	\$1,137,545	\$16,486
2002	1.21	499,060	\$853,329	\$1,032,528	215	32	26,730	0.05	\$43,561	\$52,709	\$1,647	84	72	472,330	0.95	\$809,768	\$979,819	\$13,609
2003	1.19	282,095	\$552,657	\$657,662	208	32	37,266	0.13	\$69,402	\$82,589	\$2,581	83	62	244,829	0.87	\$483,255	\$575,074	\$9,275
2004	1.16	484,968	\$1,428,560	\$1,657,129	204	55	83,846	0.17	\$247,065	\$286,596	\$5,211	81	61	401,122	0.83	\$1,181,494	\$1,370,533	\$22,468
2005	1.12	198,650	\$823,224	\$922,011	202	65	49,758	0.25	\$206,630	\$231,425	\$3,560	81	60	148,892	0.75	\$616,594	\$690,586	\$11,510
2006	1.08	342,115	\$1,816,615	\$1,961,944	198	61	87,050	0.25	\$448,024	\$483,866	\$7,932	75	64	255,065	0.75	\$1,368,591	\$1,478,078	\$23,095
2007	1.05	309,433	\$2,426,466	\$2,547,789	198	96	95,880	0.31	\$744,671	\$781,905	\$8,145	75	50	213,553	0.69	\$1,681,795	\$1,765,885	\$35,318
2008	1.01	127,896	\$1,027,595	\$1,037,871	196	120	28,371	0.22	\$223,766	\$226,004	\$1,883	75	58	99,525	0.78	\$803,829	\$811,867	\$13,998
2009	1.02	110,728	\$702,329	\$716,375	195	75	24,240	0.22	\$168,852	\$172,229	\$2,296	75	55	86,488	0.78	\$533,477	\$544,147	\$9,894
2010	1	209,547	\$1,765,072	\$1,765,072	195	94	54,100	0.26	\$464,132	\$464,132	\$4,938	75	63	155,447	0.74	\$1,300,940	\$1,300,940	\$20,650
2011	0.97	200,643	\$2,024,761	\$1,964,018	195	76	40,220	0.20	\$426,454	\$413,660	\$5,443	75	69	160,423	0.80	\$1,598,307	\$1,550,358	\$22,469
1973-2002 Avg.		131,343	\$696,297	\$1,474,660	1,162	338	43,171	0.40	\$314,986	\$750,259	\$1,732	319	138	88,172	0.60	\$381,312	\$724,401	\$5,737
2003-2011 Avg.		251,786	\$1,396,364	\$1,469,986	199	75	55,637	0.22	\$333,222	\$349,156	\$4,665	77	60	196,149	0.78	\$1,063,142	\$1,120,830	\$18,742
2008-2011 Avg.		162,204	\$1,379,939	\$1,370,834	195	91	36,733	0.22	\$320,801	\$319,006	\$3,640	75	61	125,471	0.78	\$1,059,138	\$1,051,828	\$16,753

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Table 1. Chum catch, licenses and economic values for gillnet and purse seine, in the combined South Sound and Hood Canal fisheries, 1973-2011.

Year	CPI	Combined Gears Total Catch	Combined Gears Ex-vessel Value	Combined Gears Ex- vessel Value CPI adjusted	GN Licenses	GN Catch of catch	GN Proportion of catch	GN Ex-vessel Value	GN Ex-vessel Value CPI Adjusted	Purse Seine Licenses	PS Catch of Catch	PS Proportion of Catch	PS Ex-Vessel Value	PS Ex-Vessel Value CPI Adjusted
1973	4.92	93,264	\$734,961	\$3,616,011	1,303	59,793	0.64	\$477,419	\$1,324,303	320	93,471	0.36	\$2,62,542	\$1,191,707
1974	4.43	15,353	\$78,332	\$346,965	1,990	2,023	0.13	\$10,399	\$46,069	137	13,390	0.87	\$67,923	\$300,897
1975	4.06	6,534	\$49,699	\$201,777	1,859	3,017	0.46	\$20,410	\$87,865	385	3,517	0.54	\$29,289	\$118,912
1976	3.84	119,743	\$1,107,754	\$4,253,777	1,336	65,385	0.55	\$644,114	\$2,473,399	376	54,358	0.45	\$463,640	\$1,780,378
1977	3.6	146,509	\$1,471,793	\$5,298,456	1,517	114,444	0.78	\$1,189,141	\$4,280,906	393	32,065	0.22	\$281,653	\$1,017,550
1978	3.35	291,755	\$3,110,616	\$10,420,562	1,532	166,416	0.57	\$2,132,816	\$7,144,932	402	125,339	0.43	\$977,800	\$3,275,630
1979	3.01	13,063	\$87,840	\$264,399	1,501	6,901	0.53	\$54,040	\$162,659	402	6,162	0.47	\$33,800	\$101,739
1980	2.65	192,116	\$1,029,878	\$2,729,043	1,487	78,977	0.41	\$513,517	\$1,360,819	398	113,139	0.59	\$516,311	\$1,368,224
1981	2.4	123,688	\$1,113,134	\$2,671,521	1,450	63,428	0.51	\$587,612	\$1,410,268	396	60,260	0.49	\$525,522	\$1,261,253
1982	2.26	200,191	\$1,144,347	\$2,586,225	1,420	70,801	0.35	\$425,611	\$961,881	390	129,390	0.65	\$718,736	\$1,624,344
1983	2.19	128,969	\$1,039,556	\$2,276,629	1,374	46,097	0.36	\$376,604	\$824,762	383	82,872	0.64	\$662,953	\$1,451,866
1984	2.1	266,228	\$2,016,143	\$4,233,901	1,259	94,041	0.35	\$708,422	\$1,487,686	367	172,187	0.65	\$1,307,712	\$2,746,215
1985	2.03	184,764	\$935,630	\$1,899,328	1,196	53,811	0.29	\$335,146	\$680,347	349	130,953	0.71	\$600,483	\$1,218,981
1986	1.99	276,814	\$1,141,165	\$2,270,918	1,200	71,595	0.26	\$301,284	\$599,555	345	205,219	0.74	\$839,881	\$1,671,363
1987	1.92	466,208	\$6,608,284	\$12,687,906	1,148	105,651	0.23	\$1,760,755	\$3,380,850	341	360,557	0.77	\$4,847,579	\$9,307,255
1988	1.85	471,548	\$3,651,358	\$6,755,012	1,142	153,158	0.33	\$1,223,390	\$2,263,160	342	317,790	0.67	\$2,428,028	\$4,491,852
1989	1.76	274,858	\$2,430,410	\$4,277,522	1,152	95,913	0.35	\$826,325	\$1,457,851	341	178,945	0.65	\$1,601,066	\$2,819,671
1990	1.67	261,871	\$2,270,850	\$3,792,320	1,148	89,200	0.34	\$776,463	\$1,296,693	337	172,621	0.66	\$1,494,388	\$2,495,627
1991	1.6	307,908	\$1,481,976	\$2,371,161	1,132	77,835	0.25	\$423,123	\$676,996	330	230,073	0.75	\$1,058,853	\$1,694,165
1992	1.56	529,520	\$2,461,390	\$3,839,769	1,118	173,808	0.33	\$833,282	\$1,299,919	327	355,712	0.67	\$1,628,109	\$2,539,849
1993	1.51	402,089	\$2,316,092	\$3,497,299	1,083	125,238	0.31	\$757,658	\$1,144,064	318	276,851	0.69	\$1,558,434	\$2,353,235
1994	1.47	386,967	\$1,104,806	\$1,624,065	1,042	64,465	0.17	\$181,819	\$267,274	306	322,502	0.83	\$922,987	\$1,356,791
1995	1.43	288,538	\$809,434	\$1,157,490	965	55,178	0.19	\$150,667	\$215,454	297	233,360	0.81	\$658,767	\$942,037
1996	1.39	490,370	\$786,358	\$1,093,038	887	74,319	0.15	\$114,229	\$158,779	292	416,051	0.85	\$782,129	\$934,259
1997	1.36	209,837	\$856,313	\$1,164,585	872	19,488	0.09	\$74,057	\$100,718	290	190,349	0.91	\$782,255	\$1,063,867
1998	1.34	414,133	\$682,627	\$914,720	870	52,035	0.13	\$86,581	\$116,019	276	362,098	0.87	\$596,046	\$798,701
1999	1.31	90,471	\$317,261	\$415,612	682	18,782	0.21	\$63,843	\$83,635	262	71,689	0.79	\$253,418	\$331,978
2000	1.27	123,932	\$627,545	\$796,982	679	19,329	0.16	\$92,279	\$117,194	262	104,603	0.84	\$535,266	\$679,787
2001	1.23	679,244	\$1,490,595	\$1,833,432	359	48,505	0.07	\$100,715	\$123,880	122	630,739	0.93	\$1,389,880	\$1,709,552
2002	1.21	788,468	\$1,317,428	\$1,594,087	215	29,534	0.04	\$48,076	\$58,172	84	758,934	0.96	\$1,269,351	\$1,535,915
2003	1.19	713,597	\$1,339,056	\$1,593,476	208	59,048	0.08	\$104,987	\$124,955	83	654,554	0.92	\$1,234,068	\$1,468,541
2004	1.16	1,047,080	\$2,718,389	\$3,153,332	204	113,781	0.11	\$324,818	\$376,789	81	931,299	0.89	\$2,393,572	\$2,776,543
2005	1.12	318,802	\$1,327,792	\$1,487,127	202	94,944	0.30	\$386,887	\$433,314	81	223,858	0.70	\$940,905	\$1,053,813
2006	1.08	695,849	\$3,748,099	\$4,047,946	198	116,180	0.17	\$590,702	\$637,958	75	579,689	0.83	\$3,157,397	\$3,409,989
2007	1.05	598,376	\$4,719,458	\$4,955,431	198	169,933	0.28	\$1,324,268	\$1,390,481	75	478,443	0.72	\$3,395,191	\$3,564,950
2008	1.01	375,857	\$2,937,003	\$2,966,379	196	92,454	0.25	\$721,898	\$729,117	75	283,403	0.75	\$2,215,105	\$2,237,256
2009	1.02	278,064	\$1,780,429	\$1,816,037	195	78,693	0.28	\$513,907	\$528,265	75	199,371	0.72	\$1,262,512	\$1,287,772
2010	1	404,366	\$3,428,154	\$3,429,154	195	96,057	0.24	\$833,760	\$833,760	75	306,309	0.76	\$2,595,393	\$2,595,393
2011	0.97	431,128	\$4,311,189	\$4,181,853	195	88,405	0.21	\$943,899	\$915,582	75	342,723	0.79	\$3,357,289	\$3,266,270
1973-2002 mean		274,830	\$1,475,784	\$3,029,484	1,162	68,992	0.32	\$509,558	\$1,220,030	319	204,838	0.68	\$966,226	\$1,809,453
2008-2011 mean		372,354	\$3,114,444	\$3,098,354	195	89,402	0.24	\$754,366	\$751,681	75	287,952	0.76	\$2,360,077	\$2,346,673

further information contact Scott Pearson (WDFW) or Monique Lance (WDFW).

Occasionally birds escape from the net as it is pulled from the water or fishermen release the birds quickly before the observer is able to identify them. All birds which were positively identified in the 2011 season were common murre, rhinoceros auklets, and surf scoter (1). Previous data indicate that the species impacted during the fisheries are predominantly common murre and rhinoceros auklets, while marbled murrelets constitute a small portion of the birds encountered.

Table 3. Summary of 2011 Purse Seine Catch Observations by Area and Day.

Area	Date	Sockeye	Pink	Chinook	Coho	Chum	Steelhead	Dogfish	Birds	Observed Sets
7A	8/5/2011	1	37	2	0	0	0	1	0	3
7A	8/11/2011	96	45	4	1	0	0	3	0	7
7A	8/15/2011	812	594	65	0	0	0	0	0	16
7A	8/24/2011	1,157	5,650	242	3	0	0	15	0	10
7A	8/31/2011	517	22,735	216	51	0	0	2	1	15
7A	9/6/2011	413	13,069	219	24	1	2	9	0	24
7A	10/10/2011	33	2	25	9	262	0	0	0	6
7A	10/13/2011	1	6	27	158	1,173	1	0	0	14
7	8/5/2011	3,405	690	6	3	0	0	5	0	11
7	8/11/2011	6,350	1,424	75	4	0	0	0	0	18
7	8/15/2011	7,483	2,225	43	2	0	1	0	0	15
7	8/24/2011	1,256	22,696	77	47	0	1	0	0	23
7	8/31/2011	927	15,359	42	23	3	0	0	0	22
7	9/6/2011	436	22,291	81	46	3	0	0	0	20
7	10/10/2011	0	1	0	60	175	2	0	0	10
7	10/13/2011	0	0	0	84	216	0	0	0	10
8A	8/18/2011	0	1,694	7	15	0	1	0	0	20
8A	8/23/2011	0	9,291	11	50	3	0	0	0	20
8A	9/19/2011	0	86	0	130	0	0	0	0	17
8A	9/26/2011	0	1	0	15	0	0	0	0	3
10	8/22/2011	2	16,739	107	257	3	1	1	0	28
10	8/24/2011	1	18,751	212	675	2	3	0	1	39
10	8/30/2011	6	10,935	58	632	8	0	0	0	37
10	10/18/2011	0	0	0	5	609	0	0	0	10
10	10/24/2011	0	0	0	7	2,203	0	0	1	14
10	11/1/2011	0	0	0	3	888	0	0	1	11
10	11/7/2011	0	0	0	0	25	0	0	0	4
11	10/18/2011	0	0	0	8	568	0	0	0	10
11	10/24/2011	0	0	1	2	358	0	0	0	6
11	11/1/2011	0	0	0	3	1,082	0	0	3	10
11	11/7/2011	0	0	0	2	1,103	0	0	2	16

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Table 4. Summary of 2011 Gillnet Catch Observations by Area and Day.

Area	Date	Sockeye	Pink	Chinook	Coho	Chum	Steelhead	Dogfish	Birds	Observed Sets
7A	8/5/2011	1	0	0	0	0	0	10	0	1
7A	8/11/2011	99	8	1	0	0	0	13	2	9
7A	8/14/2011	165	24	0	0	0	0	55	0	14
7A	8/24/2011	165	0	0	0	0	0	5	1	3
7	8/11/2011	206	34	0	0	0	0	2	2	10
7	8/14/2011	55	17	0	0	0	0	2	10	12
7	8/24/2011	11	8	0	3	0	0	0	0	5
10	10/19/2011	0	0	0	0	131	0	1	1	5
10	10/25/2011	0	0	0	0	63	0	0	0	7
10	10/26/2011	0	0	0	0	185	0	0	0	6
10	11/2/2011	0	0	0	0	225	0	0	4	4
10	11/8/2011	0	0	0	1	213	0	1	1	4
10	11/9/2011	0	0	1	0	61	0	1	0	3
10	11/13/2011	0	0	2	0	453	0	29	10	9
10	11/20/2011	0	0	2	0	201	0	125	1	3
11	10/19/2011	0	0	0	0	10	0	0	0	2
11	11/20/2011	0	0	0	0	73	0	15	1	1
11	11/21/2011	0	0	0	0	50	0	7	2	1
12	10/17/2011	0	0	0	0	141	0	0	1	11
12	10/19/2011	0	0	0	7	246	0	0	0	11
12	10/25/2011	0	0	1	2	371	0	0	0	14
12	10/27/2011	0	0	1	1	350	0	0	0	8
12	10/31/2011	0	0	0	3	456	0	0	0	14
12	11/2/2011	0	0	0	1	144	0	0	0	9
12	11/8/2011	0	0	0	1	206	0	0	0	11
12B	10/17/2011	0	0	0	0	48	0	0	0	3
12B	10/19/2011	0	0	0	0	58	0	0	0	7
12B	10/27/2011	0	0	0	0	62	0	0	0	3
12B	11/2/2011	0	0	0	0	10	0	0	0	3

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